



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

VIA UPS
Signature required

DEC 08 2015

Ms. Patricia C. Civitella
Ashland Research Center
500 Hercules Road
Wilmington, DE 19808

**Re: Notice of Violation
Compliance Evaluation Inspection
August 4, 2015
EPA ID No. DED001315647**

Docket Number: R3-16-NOV-RCRA-005

Dear Ms. Civitella:

On August 4, 2015 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Delaware Regulations Governing Hazardous Waste (DeRGHW) and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at Ashland Research Center (the Facility). A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that the Facility is violating regulations promulgated under DeRGHW and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the inspection of building 8136 laboratories 215, 217, & 218 the inspector was informed that the 20 gallon waste container in lab 215 was considered a SAA for nine other locations one being form labs 217 which is the point of generation; see page 15 and photo 23. The inspection of building 8162 labs 233-234 and room 232 the inspector was informed the two 5 gallon containers form the HPLC machines are emptied in to a container in the storage closet, room 232; see page 17 in inspection report. Containers collecting up to 55 gallons of hazardous waste are required to be near any point of generation where the waste initially accumulates and is under the control of the operator of the process generating the waste as required by required by DeRGHW §262.34 (c)(1) [40 CFR §262.34 (c)(1)].
2. During the inspection of building 8136 room 104 the inspector observed 2 containers of universal waste lamps. Accumulation dates for both containers were not maintained and

the one container was not marked with the appropriate words to identify the contents; see page 17 and photos 25 and 26 of the inspection report. Universal waste lamps must be labeled or marked with the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)" as required by DeRGHW §273.14(e) [40 CFR 273.14(e)]. The Universal Waste regulations require the facility demonstrate the length of time the universal waste has accumulated as required in DeRGHW §273.14(e) [40 CFR 273.15(c)].

AREA OF CONCERN

During the inspection of building 8100 laboratories 216, 217 & 218 the inspector observed two opened satellite containers for the High Performance Liquid Chromatography machines; see page 13 and photo 20 of inspection report. Also during the inspection of building 8136 lab 259 A-B the inspector observed an opened 3 gallon container of methanol waste; see page 16 and photo 24 of inspection report. It was unclear from the inspection report if waste was being added from the machines. When the laboratory machines are not in use then each container holding hazardous waste must always be closed during storage as required by DeRGHW §265.173(a) [40 CFR §265.173(a)].

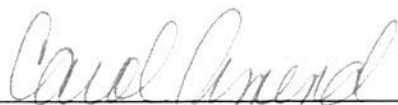
Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

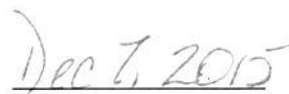
With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak
Office of Land Enforcement
EPA Region III - 3LC70
1650 Arch Street
Philadelphia, PA 19103-2029
Phone: 215/814-2136
forostiak.stephen@epa.gov



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement



Date

Enclosure

cc: S. Forostiak (3LC70)
K. J'Anthony (DNREC)

